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Artist Suprina Troche wants your trash — a lot of it.

New Jersey Spotlight: How to Stop NJ from Triggering More Carbon Pollution in Other States

A state agency is looking at whether New Jersey by rejoining a regional initiative to clamp down on greenhouse gases from power plants could wind up increasing climate-altering pollution elsewhere.

New Jersey Spotlight: Op-Ed: Private Water Utilities Stand by Record of Providing Infrastructure Solutions – Op-Ed

There is ongoing debate in New Jersey about how best to address water system challenges now and for generations to come. A harsh reality is that some government utilities in New Jersey have failed in their efforts to provide essential water and sewer services, putting public health at risk. Many New Jersey utilities face serious water infrastructure challenges that have resulted in lead in drinking water as well as tens of millions of gallons per year in sewage overflows into rivers and streams.

Virgin Islands Daily News: Central High students, driven out by odor, return to class

A three-week saga came to an end Monday as students and staff returned to the St. Croix Central High School for a full day of classes.

New York Post: De Blasio finally visits neighborhood fouled by sewage backups

Mayor Bill de Blasio finally visited the Queens neighborhood where residents say they were ignored as scores of homes were fouled by disgusting sewage backups — but refused to explain what took him so long.

Bloomberg Environment: EPA Approval of Chesapeake-Related Water Quality Report Upheld

The EPA's approval of a Maryland water quality report reclassifying some impaired Chesapeake Bay watershed segments wasn't arbitrary or capricious, a D.C. federal district judge said Dec. 2.

Queens Courier: City to help southeast Queens homeowners clean and sanitize following massive sewage backup

Following a massive sewer backup that flooded homes in southeast Queens this past weekend, City Comptroller Scott Stringer on Monday visited impacted homeowners seeking assistance at the Courtyard Marriott Hotel.

Newsday: The cancer cluster conundrum -- Opinion

No two words send chills through a community like the term: cancer cluster.

Environmental Defense Fund: New Jersey takes major steps forward on lead in drinking water

When it comes to addressing the challenge of lead service lines (LSLs), recent event in New Jersey have set the stage for long-term progress amid short-term crises. The watershed moment came on October 10, when Jersey Water Works and Governor Phil Murphy held a joint press conference announcing their respective plans to

reduce lead in drinking water that featured a shared goal of fully replacing the state's estimated 350,000 LSLs within ten years. A week earlier, [Congress enacted a law](#), authored by Senator Booker, enabling New Jersey – and other states as well – to secure critical funding by shifting the state's share of the [Clean Water State Revolving Fund \(SRF\)](#) to the [Drinking Water SRF](#).

Newsday: Cuomo must sign bills to prevent water pollution – Op-Ed

Recurring reports on the cost of cleaning Long Island's drinking water are daunting.

Burlington County Times: Sources: White House, CDC in dispute over crucial study on toxic PFAS chemicals

The CDC is planning a highly anticipated study on possible PFAS health impacts in communities across the country. But scientists say a disagreement with the White House has led to some delay.

St. Croix Source: Beach Advisory for Nov. 25-29

The Department of Planning and Natural Resources (DPNR) announces that the Beach Water Quality Monitoring Program, which evaluates weekly water quality at popular swimming beaches throughout the Territory by sampling for enterococci bacteria and turbidity.

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FULL ARTICLES

Poughkeepsie Journal

<https://www.poughkeepsiejournal.com/story/news/local/2019/12/03/painted-city-garbage-truck-heralds-message-recycling-trash-into-art/4307154002/>

Trash to art: 'We're All In This Together' aims to collect disposables, raise awareness

By Barbara Gallo Farrell

December 3, 2019

Artist Suprina Troche wants your trash — a lot of it.

The City of Poughkeepsie resident has a knack for turning waste into sculpture and now she is on a mission to get everyone who lives in Dutchess County involved in a public art project that packs a message.

And she's using a city sanitation truck to deliver her message.

The artist is collecting trash to create a public art sculpture that will be a part of a future development in the city. The project is called "We're All In This Together."

"The sculpture is about our waste, our consumption, and what, and how, we throw away what we deem valueless," said Suprina, who goes by the singular name as an artist.

For the project, Suprina is teaming up with a non-profit organization, an architectural firm with a mission of sustainability that is choosing to go unidentified. Suprina said the public art installation is slated to be completed by the end of 2020.

According to the U.S. Environmental Protection Agency, the average American produces almost five pounds of trash a day, amounting to nearly 268 million tons total for the year 2017.

A garbage truck might be the last thing you'd expect to see in a parade, but the oldest vehicle in the city's fleet has gotten a new life. Suprina enlisted local students to paint the vehicle in viv floral designs with the slogans, "PoughKeepit Clean: Go Green" and "We're All In This Together," painted on its sides. The truck will be a featured attraction in this year's Celebration of Lights parade in the city on Friday.

Suprina will be handing out cards along the parade route that describe what type of trash she is looking for, such as plastic bags, bottles and straws; cans; CDs; wrapping paper and bows; electrical wires and keyboards, among other items (a complete list can be found on her website, suprinasculpture.com) and where to drop it all off (the city transfer station at 26 Howard St. and Adriance Memorial Library, 93 Market St., Poughkeepsie).

She's hoping people will respond when seeing the painted truck go by in their neighborhoods by taking a picture or selfie with it and posting it with the hashtag "#Poughkeepitclean."

Suprina debuted the project idea during the city's Open Studios weekend in June, in which she took part, and started to look for a venue to collect the trash.

"That was a big challenge," she said. "The best thought was at the transfer station and so we started to collect it there."

She then pitched the idea to the city's Public Arts Commission and board member Tom Lawrence, who is director of the Poughkeepsie Public Library District, offered the library as a second drop-off location, for its easy access and more hours of availability.

"Essentially, I think that anything that promotes the arts and enhances the quality of life for library district residents is a good fit for us," Lawrence said. "As we continue to engage with our residents, we continually see opportunities to work for them, sometimes out of the box, and we are all winners. Poughkeepsie (city and

town), like any other community, needs to pull together to make our lives better in any way we can. It just makes sense to work together."

Suprina said she has received a good response with collections from the library drop-off.

"I've had to go sometimes twice a week to unload from them," she said. "This is an amazing collaboration, and the transfer station has given me a place that is dry."

And that's where the garbage truck came in.

"Jeff Aman (chairman) on the commission was also at the meeting and he said, 'Why don't you do some promotional event for your public art project?' Don't ask from there how I decided I wanted to paint a garbage truck," Suprina said, but she did, and plans on having a train of trash trailing behind the truck, like a honeymoon couple's car, during the parade.

An artist and activist for the arts, Aman said he believes the arts are playing a significant role in the revitalization of the City of Poughkeepsie.

"(The arts) are improving the Main Street Corridor, bringing people back into our downtown area and raising the overall energy level," he said. "The arts must also play a much larger role in the City of Poughkeepsie public school district as a means of building stronger connections between the students and their schools, which has been proven in other areas as a factor in higher graduation rates. And exposure to more art forms can be a pathway to many career opportunities for our talented young people."

Aman presented the idea to Mayor Rob Rolison, who agreed to let her paint a truck, but only on the weekends, as the truck would be used by the city during the week.

"This unique beautification project is somehow fitting," Rolison said. "This sanitation truck helps to keep our city clean. And now the truck itself is an example of beautification, a showpiece designed to get people talking. The simple message on the truck — 'We're All In This Together' — is so true, and it's how we feel about the city."

Aman said having student artists work on the truck is "wonderful," and hopefully will inspire "the next generation of activists for the arts and the environment."

"Suprina is an artist quite capable of inspiring others through her sculptures made of found objects that do not belong in a landfill," he said.

And that's where the students came in.

Suprina networked with Holly McCabe, assistant professor of Visual Arts at Dutchess Community College, who got her students involved in the project.

"It took three weekends to paint," said Suprina, whose first job after graduating from the Philadelphia College of Art as a sculptor was creating props for the Macy's Thanksgiving Day Parade.

"All of the students that helped were mature and came on time," she said. "We worked all day long, and they were so focused and into the project. I was very impressed with the caliber of students."

Suprina said she applied for city funding for artists who work with youth to help offset her costs for paint and other supplies.

Student helpers include DCC students Brittney Stewart, Cy Hinojosa, Taaliyah Clemmons, Aiyssa Tirado and Dylan Scott; DCC graduate Tamar Towne; and Roy C. Ketcham High student Ryan Garcia. DCC graduate Melissa Gagliardi is filming a documentary on the project. Adult friends and artists pitched in as well to help with the painting.

Suprina said the painted sanitation truck is designed to be "family friendly and make people smile."

“The drivers and the people who pick up our trash have pride in their work and I want to create a relationship between the people on the street and the people who do the work,” she said. “The key for us is empathy — we are all in this together.”

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New Jersey Spotlight

<https://www.njspotlight.com/2019/12/how-to-stop-nj-from-triggering-more-carbon-pollution-in-other-states/>

How to Stop NJ from Triggering More Carbon Pollution in Other States

As New Jersey prepares to rejoin Regional Greenhouse Gas Initiative, a state agency will examine the possibility it would increase emissions in other nonmember states

By Tom Johnson

December 3, 2019

A state agency is looking at whether New Jersey by rejoining a regional initiative to clamp down on greenhouse gases from power plants could wind up increasing climate-altering pollution elsewhere.

The issue, known as leakage, has been raised previously by environmentalists and energy consultants who questioned whether New Jersey’s proposal to re-enter the Regional Greenhouse Gas Initiative might increase emissions from states not part of the program.

In essence, critics argued the caps set by the Murphy administration on carbon pollution from power plants were at such a level that cheaper and dirtier generating units out of state would run more frequently than expensive and less polluting facilities in New Jersey, leading to more global warming pollution.

As a result, the New Jersey Board of Public Utilities, recognizing that modeling suggests potential leakage, will hold a meeting with stakeholders to determine policy to fix the problem if significant global warming pollution increases. The meeting will be held Dec. 13 at Montclair State University’s Center for Environmental and Life Sciences from 10 a.m. to 1 p.m.

“It makes sense to do this analysis,” said Bruce Ho, a senior director at the Natural Resources Defense Council. “It is an important issue for states to look at to get a handle on this issue.”

New Jersey was an original member of RGGI, but former Gov. Chris Christie withdrew the state from the program in 2012, calling it ineffective and merely a tax on utility customers. For Gov. Phil Murphy, [rejoining the initiative was a primary campaign issue](#) and led to one of his first executive orders of his administration.

Utility customers will pay

The multistate initiative is a cap-and-trade program which places a tax on carbon pollution from power plants, an expense passed on to utility customers. Money raised by the surcharge is passed back to states to fund clean-energy efforts that support renewable energy, energy efficiency and environmental justice programs.

At one time, it was viewed as a possible model for a national program to reduce greenhouse gas emissions from power plants. It may yet achieve that purpose. New Jersey will participate in the next RGGI auction early next year, and Virginia will join the initiative in 2021.

More significantly, Pennsylvania Gov. Tom Wolf announced this fall he wanted his state to join RGGI. [Pennsylvania is the fourth largest emitter](#) of greenhouse gas emissions and a major source of fossil fuel emissions.

For New Jersey to avoid increasing emissions as a result of leakage, Ho argued it and other states need to expand the footprint of RGGI to include other states, like Pennsylvania. New Jersey also needs to focus on expanding its use of renewable energy and energy efficiency programs to reduce energy use, Ho said.

“We need to lock on things in New Jersey so we don’t increase emissions from dirty plants in other states,” agreed Jeff Tittel, director of the New Jersey Sierra Club. That means increased investments in renewable energy and energy efficiency, Tittel said.

While different modeling predicted various results, one set of calculations by Gabel Associates, a respected energy consulting firm in Highland Park, suggested any emission reductions gained by New Jersey by rejoining RGGI would be offset by increased carbon pollution from other states.

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New Jersey Spotlight

<https://www.njspotlight.com/2019/12/op-ed-private-water-utilities-stand-by-record-of-providing-infrastructure-solutions/>

Op-Ed: Private Water Utilities Stand by Record of Providing Infrastructure Solutions

New Jersey’s water and sewer systems face a massive backlog of infrastructure repairs and upgrades, which local governments can’t undertake alone

By Robert Powelson

December 3, 2019

There is ongoing debate in New Jersey about how best to address water system challenges now and for generations to come. A harsh reality is that some government utilities in New Jersey have failed in their efforts to provide essential water and sewer services, putting public health at risk. Many New Jersey utilities face serious water infrastructure challenges that have resulted in lead in drinking water as well as tens of millions of gallons per year in sewage overflows into rivers and streams.

As local governments find themselves challenged to manage their water systems and fund necessary infrastructure investments, the private sector stands ready to help, offering experience, expertise, and access to capital required for infrastructure upgrades. More than 4 million New Jerseyans receive water or sewer services from private-sector water professionals whose water quality record is unmatched. Indeed, a recent analysis of Environmental Protection Agency data showed that New Jersey water systems owned and operated by private sector professionals are 60% less likely to have a drinking water quality violation compared to government-run systems.

In Trenton, the publicly owned and operated water system has violated the EPA Lead and Copper rule; issued repeated boil-water advisories due to treatment plant malfunctions and filtration problems; and been faced with water testing violations. The Trentonian reported in January 2018 that “over the past year, water has turned all colors of the rainbow spectrum — from purple to yellow — and Trenton Water Works could not guarantee to its customers that the water was safe to drink because a broken filter went undetected for a three-month period.”

It has been reported that Newark’s system is currently facing similar serious lead and water quality issues. As questions are raised about whether Newark is the next Flint, residents are demanding immediate action to address lead contamination as they rely on bottled water and filters in hopes of having safe drinking water for their families. Tragically, lead has been found in the blood of a quarter of the residents tested under the age of six.

And small systems are struggling, too. In fact, as drinking-water compliance researcher and university professor Manuel Teodoro testified before the New Jersey Senate Community and Urban Affairs Committee, the state's water problems are "most prevalent in small water systems." Teodoro's Safe Drinking Water Act compliance analysis found that, "all else equal, a New Jersey utility that serves 50,000 people commits about half as many violations as one that serves 5,000."

Beyond ability of local governments

In short, these water challenges are driven by the fact that New Jersey's water and sewer systems face a massive backlog of infrastructure repairs and upgrades, and the costs are too great for local governments to bear alone.

These basic realities are why legislation like the Water Infrastructure Protection Act are necessary. Laws like WIPA enable much-needed investments in failing water systems —systems that are endangering the health of our loved ones and neighbors. Without WIPA, these investments simply wouldn't take place, and communities across New Jersey would continue to suffer with dangerously inadequate water services.

In addition, some private sector detractors argue that the regulatory mechanism known as the Distribution System Improvement Charge unnecessarily provides cash flow for water companies. The reality is that this regulated, modest charge pays for critical, urgent infrastructure projects that would otherwise be delayed. The charge is reviewed and approved by the independent New Jersey Board of Public Utilities and is a proven way for utilities to address aging infrastructure, helping to stop potentially dangerous system disruptions like water main breaks.

In an attempt to block private sector solutions, some have made misleading comparisons on water rates, ignoring the dozens of factors that must be considered, including investment levels, water source, geography and water treatment needs. Experts caution that given these factors it is nearly impossible to make a true apples-to-apples comparison of rates between systems.

Water companies reinvest revenues back into community water systems, which is one of the major factors behind their near perfect water quality record — their infrastructure is simply better and safer because of these investments. With Americans prioritizing infrastructure as one of the most important issues facing our nation, private water companies are leading the way: The ten largest companies invest more each year in community water systems than the total combined federal appropriation for water infrastructure programs.

That's investment in the future of New Jersey and our nation. New Jersey's private water companies are solely focused on providing proven, pragmatic solutions to serious water infrastructure challenges.

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Virgin Islands Daily News

http://www.virginislandsdailynews.com/news/central-high-students-driven-out-by-odor-return-to-class/article_146eada9-a688-529c-bfe5-4c45016f1419.html

Central High students, driven out by odor, return to class

By Brandy Brookes

December 3, 2019

A three-week saga came to an end Monday as students and staff returned to the St. Croix Central High School for a full day of classes.

Students, who had missed classes off and on last month, will not have make-up days, but will be given “additional assignments” to make up for lost time, Education spokesperson Cynthia Graham said in a released statement.

According to Graham, the announcement was made by St. Croix Insular Superintendent Carlos McGregor during a schoolwide student assembly held Monday.

“We are looking at make-up work and not make-up days at this point,” he said during the assembly.

According to Graham, the assembly also featured representatives from the V.I. Health Department’s Behavioral Health Division, who “shared information on how to cope with trauma and the importance of talking with others about their experiences over the last month.”

The Health Department representatives “even encouraged students to express their concerns about their grades and opportunities to make up their school work,” Graham said.

Until their return on Monday, students had been out of school after being dismissed midday on Nov. 12 and Nov. 13 following complaints of a “gaseous odor,” that officials later concluded was caused by clogged sewer lines.

The school remained closed through Nov. 15, and sewage lines — from the school’s campus to the nearby V.I. Superior Court — were flushed out by large water trucks that weekend.

Central’s students returned to school three days later, but again had to be dismissed early following several reports of what was described as a “propane-like odor” caused by a “gear oil spill.”

The oil spill was from the water trucks that had been used to flush out the sewage lines.

“All in all, everything went well at Central High today, and we are happy to have the students and staff return,” McGregor said.

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New York Post

<https://nypost.com/2019/12/02/de-blasio-finally-visits-neighborhood-fouled-by-sewage-backups/>

De Blasio finally visits neighborhood fouled by sewage backups

By Lorena Mongelli and Bruce Golding

December 2, 2019

Mayor Bill de Blasio finally visited the Queens neighborhood where residents say they were ignored as scores of homes were fouled by disgusting sewage backups — but refused to explain what took him so long.

“Look, the important thing is that the folks who could act on the issue got here and did their work,” de Blasio told reporters after touring a contaminated house in South Ozone Park late Monday afternoon.

“And it’s really important to respect that that work had to be done to secure the situation.”

The mayor added: “I’m here now to let people know that everything they need that we have in our power, we’re going to do for them.”

On Sunday, de Blasio came under withering criticism from furious residents who faulted the city’s response to the crisis after it began unfolding Saturday morning — and his failure to show up and “see this mess.”

Hizzoner acknowledged that “there’s a lot of frustration that calls to 311 went in and the response was not as quick as it could’ve been.”

“It’s not acceptable for anyone to call 311 on something urgent like this and not get help,” he said.

“We’re going to investigate what happened. It cannot happen again.”

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Bloomberg Environment

<https://news.bloombergenvironment.com/environment-and-energy/epa-approval-of-chesapeake-related-water-quality-report-upheld>

EPA Approval of Chesapeake-Related Water Quality Report Upheld

December 2, 2019

- Challenged approval of report reclassifying impaired waters
- But EPA approval wasn’t arbitrary or capricious

The EPA’s approval of a Maryland water quality report reclassifying some impaired Chesapeake Bay watershed segments wasn’t arbitrary or capricious, a D.C. federal district judge said Dec. 2.

Six clean water-focused organizations challenged the Environmental Protection Agency’s approval of Maryland’s report, which reclassified some impaired waters based on pollution standards for the entire bay. But the agency didn’t violate the Administrative Procedure Act when it approved the reclassifications, the U.S. District Court for the District of Columbia said.

The EPA established total maximum daily loads for certain pollutants in the Chesapeake Bay. These TMDLs cover more than four dozen watershed segments in Maryland which the state has deemed impaired.

Maryland opted to move the TMDLs for these areas “from Category 5, which are impaired waters requiring a total maximum daily load, to Category 4a, which are impaired waters that do not require a total maximum daily load because one has already been established.” Judge Reggie Walton granted summary judgment to the agency in the challenge to its approval of these changes.

The environmentalists initially sued over the EPA’s approval of the reclassifications in Maryland’s 2012 report, but amended their complaint multiple times as new reports superseded old ones. Challenges to the earlier reports are now moot, the opinion said.

The groups argued that Maryland shouldn’t have been able to skip identifying local, upstream TMDLs in favor of the EPA-created baywide ones, so the agency acted arbitrarily and capriciously when it approved reports containing reclassifications. But the environmentalists’ “interpretation of the Clean Water Act imposes an extratextual obligation not only upon the EPA, but also Maryland,” the opinion said.

The court “cannot agree” that the CWA requires evidence that the Chesapeake Bay TMDLs ensure attainment of water quality standards in each local watershed listing, or that the EPA must determine if TMDLs are adequate for such attainment before it approves a state impaired-waters list, Walton said. The agency “appropriately approved” Maryland’s reclassification because the Chesapeake Bay TMDL “included total maximum daily loads for those particular listings,” the opinion said.

A Justice Department lawyer represented the government. Attorneys with Earthjustice represented the environmentalists.

The case is Blue River Baltimore v. Wheeler, D.D.C., No. 16-cv-00452, summary judgment granted 12/2/19.

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Queens Courier

<https://qns.com/story/2019/12/02/city-to-help-southeast-queens-homeowners-clean-and-sanitize-following-massive-sewage-backup/>

City to help southeast Queens homeowners clean and sanitize following massive sewage backup

By Carlotta Mohamed

December 2, 2019

Following a massive sewer backup that flooded homes in southeast Queens this past weekend, City Comptroller Scott Stringer on Monday visited impacted homeowners seeking assistance at the Courtyard Marriott Hotel.

Overly distraught homeowners patiently waited in line at the service center, located downstairs in the Courtyard Marriott, at 145-11 North Conduit Ave. in Jamaica, to fill out a notice of claim from the Comptroller's Office in order to be reimbursed for out-of-pocket expenses.

"My heart goes out to all who have been impacted by this sewage backup. To expedite cleanup and removal, we have granted emergency procurement authority to the city," Stringer said. "DEP and my office will be investigating the cause of this sewer backup. As the cause of the incident is investigated, I urge impacted homeowners to file a notice of claim with my office within 90 days of the incident and to contact their insurance companies immediately."

Following the incident, residents say the city's response in providing emergency services has been "quite slow."

After making numerous calls to 311 and filing a complaint, homeowner Narendra Singh purchased his own equipment to pump the raw sewage in his basement, he said.

"I got help last night from DEP to pump water. I don't have no heat and no water and am helping myself out now," said Singh, before he went to file a notice of claim. "This is a disaster with 2 feet of water that has damaged my brand-new boiler and everything else down there."

Homeowner Bina Balgobin was forced to leave her home due to the unbearable stench.

"We were sleeping in the car because they said they were going to send us to Astoria, and we didn't go because that's too far," Balgobin said. "It's been crazy with that stinky smell and the flooding in the basement. The boiler was broken and we fixed it. It was almost between 2 and 3 feet of water in the basement. We needed at least seven pumps to get rid of the water."

Meanwhile, Mayor Bill de Blasio visited the site this afternoon to assess the damage and updates on repairs while meeting with a homeowner. While repairs are ongoing, the Department of Environmental Protection (DEP) and NYC Emergency Management are ensuring that homeowners receive services they need.

The Department of Small Business Services is working with Emergency Management on the effort and cleaning is expected to begin tonight.

“I feel for the homeowners in Queens who were affected by the sewage blockage this weekend,” de Blasio said. “We are implementing the emergency procurement process to ensure that homes are cleaned quickly, and we are going to work with each and every New Yorker who experienced flooding to make sure they get back on their feet.”

To date, the city has confirmed that 74 homes were affected by flooding. The Department of Environmental Protection (DEP) has installed a bypass pump to assist with flooding while repairs to the sewage line are ongoing and additional equipment is brought into the area.

The New York City Emergency Management and the FDNY are bringing in portable heaters for those whose boilers were affected, and has set-up emergency resources in the area to immediately respond to any emergencies.

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Newsday

<https://www.newsday.com/opinion/commentary/long-island-cancer-cluster-cancer-rates-delthia-ricks-1.38942123>

The cancer cluster conundrum

December 2, 2019

No two words send chills through a community like the term: cancer cluster.

Possible clusters have been discussed on Long Island for decades. Residents have cited toxic plumes, tainted water and contaminated air as causes of cancers in their neighborhoods. Yet as frightening as the term may seem, clusters aren't easy to prove, even under the broader federal definition that has emerged in recent years.

The Centers for Disease Control and Prevention once defined the term as numerous cases of mostly rare and pediatric malignancies. Now, the agency defines it “as a greater-than-expected number of cancer cases that occur within a group of people in a geographic area over a period of time. In 2016, federal lawmakers approved the Frank Lautenberg Chemical Safety for the 21st Century Act, which includes a provision called Trevor’s Law. That measure addresses cancer clusters and childhood exposures.

The CDC has expanded its resources to bolster public understanding of how illnesses can be defined under the cancer-cluster rubric. This year, the agency received a \$1 million federal allocation to broaden its cancer-cluster guidelines.

But obstacles persist for individuals attempting to prove their communities are making them sick. Part of that difficulty can be explained by this fact: cancer isn't a single disease but more than 100.

Multiple influences — age, genetics, smoking, diet, obesity and other variables — all play roles in the transformation of healthy cells into malignant ones. Some cancers take decades to develop, and because people aren't lifelong residents of a single community, it may be impossible to determine whether a cancer can be attributed to their most recent neighborhood.

For Long Islanders, legitimate concerns have arisen in communities ranging from Bethpage to Elmont to Shirley, among others. Worries have persisted for years.

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Environmental Defense Fund

<http://blogs.edf.org/health/2019/12/02/new-jersey-major-steps-lead-in-drinking-water/>

New Jersey takes major steps forward on lead in drinking water

By Tom Neltner

December 2, 2019

When it comes to addressing the challenge of lead service lines (LSLs), recent event in New Jersey have set the stage for long-term progress amid short-term crises. The watershed moment came on October 10, when Jersey Water Works and Governor Phil Murphy held a joint press conference announcing their respective plans to reduce lead in drinking water that featured a shared goal of fully replacing the state's estimated 350,000 LSLs within ten years. A week earlier, Congress enacted a law, authored by Senator Booker, enabling New Jersey – and other states as well – to secure critical funding by shifting the state's share of the Clean Water State Revolving Fund (SRF) to the Drinking Water SRF.

With the Governor's announcement, New Jersey joins Michigan and Washington as the only states to commit to fully replacing LSLs. It also becomes a leader among the 16 states that have adopted policies in the past four years that support the hundreds of communities taking action to replace their LSLs.

As other states consider the LSL challenge, they should look to the process New Jersey used to reach this stage and its close coordination with state agencies.

New Jersey's Stakeholder-Led Process

Key to the state's progress was a coordinated effort by a host of organizations, which were convened by a collaborative initiative called Jersey Water Works, whose 500 members seek to transform the state's inadequate water infrastructure by investing in sustainable, cost-effective solutions. In December 2018, Jersey Water Works launched a comprehensive planning effort and established a diverse 30-member Lead in Drinking Water Task Force that developed the plan. The Task Force was chaired by Chris Daggett, former Environmental Protection Agency (EPA) Region 2 Administrator and former Commissioner of New Jersey's Department of Environmental Protection (NJDEP). New Jersey Future is the "backbone organization" that supports Jersey Water Works, secured funding to staff the Task Force, conducts the research, and drafted the plan.

The Green and Healthy Homes Initiative laid the foundation with its February 2018 Action Plan. EDF provided technical support to New Jersey Future, primarily by sharing background information for the initiative and giving examples of efforts in other states and communities. Representatives of several other nonprofit organizations, public and private water systems, academics and state and federal agencies participated actively in the Task Force.

While not coordinated with the Task Force, the Natural Resources Defense Council and Clean Water Action drove efforts in Newark to address the city's high levels of lead in drinking water.

The Task Force's Recommendations

The Task Force's report set an aggressive goal – the virtual elimination of lead in drinking water in ten years. The ten-year horizon is largely defined by the time it would take to find and eliminate an estimated 350,000 LSLs. The use of the term "virtual" acknowledges that leaded solder and brass fixtures will remain in indoor plumbing and must be managed through more effective corrosion control of the water and that leaded brass – albeit at lower levels than in the past – continues to be used in new faucets and fountains.

The Task Force, which began its deliberations in December 2018, recommended 19 interdependent actions. Under the proposed framework, water utilities would offer no-cost, mandatory LSL replacements to property owners funded by modest rate increases and supported by a \$500 million state bond issue to reduce the burden on low-income communities. The state would also explicitly allow rates to fund LSL replacement on private property, enabling both greater efficiency and public health protection.

Beyond these key elements, the plan also calls for:

- Strengthened requirements for corrosion control including expanding the number and frequency of water sampling and broader review of water quality parameters to reduce leaching of lead from leaded solder and brass;
- Targeted use of filters certified to remove lead to deliver additional protection;
- Development of a publicly-available, comprehensive inventory of LSLs;
- Requirements for property owners to cooperate with LSL replacement efforts, including a law authorizing water systems to access property, and to disclose the presence of LSLs to potential homebuyers and renters;
- More aggressive efforts to evaluate and reduce lead in drinking water at schools and child-care facilities and to provide greater transparency, in part through the establishment of a centralized, electronic database of test results; and
- A statewide campaign to address all sources of children's exposure to lead, especially lead-based paint. that includes a Governor's executive order declaring lead to be a public health threat.

Governor Murphy's Comprehensive Statewide Plan

At the same press conference in which Jersey Water Work's released its report, Governor Phil Murphy announced a comprehensive plan that implements key elements of those recommendations and goes beyond water to address paint sources of lead. The plan includes:

- Proposing a \$500 million bond to support LSL replacement and remediation of lead-based paint in homes.
- Enabling utilities to use rates paid by customers to support LSL replacement on private property.
- Directing state agencies to establish a publicly-available, comprehensive lead testing strategy for housing, schools, and child-care facilities. The strategies will ensure compliance with testing, disclosure, notification, remediation, and abatement requirements.
- Improving the state's inventory of LSLs and reinstating its Lead-Safe Housing Registry.
- Ordering regulations to require schools to test for lead in water every three years and to publish the results in a state-wide database.
- Complementing prevention efforts with more effective early detection and intervention for children with elevated blood lead levels.
- Supporting legislation to require inspection and disclosure of lead-based paint hazards for housing at point of sale and for all rental homes built before 1978.
- Directing state agencies to develop workforce training and career outreach programs to recruit younger generations into the trades that conduct the work.

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Newsday

<https://www.newsday.com/opinion/editorial/long-island-drinking-water-suffolk-water-authority-cleaning-l-4-dioxane-bethpage-water-1.38961500>

Cuomo must sign bills to prevent water pollution

December 1, 2019

Recurring reports on the cost of cleaning Long Island's drinking water are daunting.

The Bethpage Water District spent \$4 million to treat 1,4-dioxane at a single well. A similar system for a Huntington well will cost at least \$1.25 million. The nearly 400,000 customers of the Suffolk County Water Authority will pay an extra \$80 a year starting in January to remove 1,4-dioxane and other contaminants from 76 wells. Total expenses Long Islandwide to treat 1,4-dioxane alone are estimated at \$840 million.

All of which leads to a simple observation: The best way to make sure Long Island's drinking water remains clean is to not let it get polluted in the first place.

That underscores the importance of new state legislation awaiting Gov. Andrew M. Cuomo's signature. One bill would limit the amount of 1,4-dioxane, a likely carcinogen, in common household products like laundry soap, dish and hand soaps, and baby gels and bath products. These products are flushed down drains and into septic systems or wastewater treatment plants, and from there to drinking water sources — our sole-source aquifer on Long Island, as well as reservoirs, lakes and rivers elsewhere.

Another bill would ban firefighting foam that contains perfluoroalkyl and polyfluoroalkyl substances known as PFAS chemicals, which can cause cancer, hormone disruption, and liver and kidney damage. The substances have been found in public and private wells in Westhampton Beach, Yaphank, East Hampton, Ronkonkoma and Hampton Bays, among other sites. A third bill would ban chlorpyrifos, a nasty pesticide linked to neurodevelopmental defects in humans that also is very toxic to bees.

The federal government has not set specific drinking water standards for these chemicals, so it's important that states act. New York already has recognized this urgency. It's working to adopt a drinking water standard of 1 part per billion for 1,4-dioxane; having a similarly tough standard for products that contribute to the problem is essential. It's especially critical for Long Island, which has 82 of the 89 wells identified by the state as requiring treatment. Cuomo smartly signed a fourth measure last month sponsored by State Sen. James Gaughran that will make it easier for water districts to sue polluters to recover cleanup costs. And recent state budgets have included a total of \$3 billion for clean water initiatives, including cleanups.

Opponents of the PFAS and chlorpyrifos bills cite a lack of alternatives, but some entities are already phasing out the bad foam voluntarily. As for farmers' reliance on the pesticide, that likely will remain true until a looming ban forces the development of less-harmful products. Extending the timeline before either ban takes effect would be a reasonable compromise, but vetoing the measures would send a signal that the welfare of big business is more important than the health of the public.

Cuomo has been a staunch supporter of clean water on Long Island. But legacies that are hard-won also can be easily tarnished. The governor needs to do the right thing again and sign these bills. The case for clean water has never been more compelling.

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Burlington County Times

<https://www.burlingtoncountytimes.com/news/20191201/sources-white-house-cdc-in-dispute-over-crucial-study-on-toxic-pfas-chemicals>

Sources: White House, CDC in dispute over crucial study on toxic PFAS chemicals

The CDC is planning a highly anticipated study on possible PFAS health impacts in communities across the country. But scientists say a disagreement with the White House has led to some delay.

By Kyle Bagenstose

December 1, 2019

A multimillion dollar federal study on toxic chemicals in drinking water across the country is facing delays due to a dispute within the Trump administration, according to several sources involved in the study or who have knowledge of the process.

The dispute has implications for more than half a dozen communities where drinking water has been heavily contaminated with per- and polyfluoroalkyl substances (PFAS). Concerns about the chemicals have exploded nationally in recent years, following decades of PFAS use in products including non-stick cookware, water-resistant clothing, food packaging, carpets and military firefighting foams. Scientists say significant delays could limit the effectiveness of the study.

The unregulated chemicals are known to exist at some level in the drinking water of tens of millions of Americans, with one estimate placing the number as high as 110 million. The chemicals are also the subject of “Dark Waters,” a film released in November starring actors Mark Ruffalo and Anne Hathaway.

Some prior studies on PFAS have linked the chemicals to health problems, including high cholesterol, reproductive issues and testicular and kidney cancer. Other studies have failed to replicate some of those results, and some PFAS are better researched than others, leaving the exact implications of exposure unknown.

With public concern rising, congressional lawmakers in 2018 appropriated \$10 million for a nationwide study to offer more definitive answers about health effects. The money was budgeted for the Department of Defense, which is also facing at least \$2 billion in PFAS cleanup liabilities. The money then flowed to the U.S. Centers for Disease Control and Prevention.

This summer, the U.S. Agency for Toxic Substances and Disease Registry, an arm of the CDC, announced that it would use the funds to study highly exposed communities in California, Colorado, Massachusetts, Michigan, New Jersey, New York and Pennsylvania. The design of the study shops out the actual research to academic or government partners in each state and provides grant funding to conduct the work.

But the study is off to a slow start, with a dispute between the CDC and White House Office of Management and Budget playing a role, sources say.

The issue was first referenced publicly on Tuesday by Robert Laumbach, an environmental health researcher at Rutgers University, during a press conference held by U.S. Rep. Frank Pallone, D-New Jersey. Laumbach is the lead investigator for the New Jersey portion of the study, which will focus on PFAS-impacted communities in Gloucester County, near Philadelphia.

“Unfortunately, the study is being held up by the Office of Management and Budget, with no clear timeline for approval,” Laumbach said.

Delay could hurt study

In an interview with USA TODAY Network, Laumbach said he heard from federal partners that the CDC had asked the White House to review a draft design of the national study. Under the federal Paperwork Reduction Act, studies such as the CDC’s must go to the Office of Management and Budget for a formal review and cannot be started until approved.

Laumbach said he was told that OMB “didn’t pick up the review.” Instead, the White House referenced an ongoing CDC pilot study on PFAS at the Pease International Tradeport in Portsmouth, New Hampshire. According to Laumbach, OMB said that the Pease study should be completed before the review of the national study could begin.

“They sort of sent it back and said, ‘We thought you were going to wait for the Pease study,’” Laumbach said.

Laumbach said he understands that the CDC is arguing that the Pease study, which started in October, can be done concurrently with a White House review of the larger national study.

“Whether or not the OMB sort of accepts that reasoning is an open question,” Laumbach said.

Asked about the study, the CDC in an email offered no indication anything is amiss, adding the agency is “in the process of finalizing” the study design so it can be sent to OMB.

“This is a normal process that all federal agencies go through,” the CDC wrote. “We expect to send the protocol to OMB for review in early 2020.”

The CDC said state partners in the national study have already begun some level of work and are developing strategies to recruit participants, collect data and further involve the public.

An OMB spokesperson did not answer questions Tuesday or Wednesday, including direct inquiries about any conflict between the agencies.

Despite the CDC’s assurances, other sources familiar with the review process said they are aware of friction.

Linda Birnbaum, who recently retired as director of the National Institute of Environmental Health Sciences, said she heard about delays from former federal colleagues.

“I’ve heard others speak about frustration, that it’s being held up at OMB,” Birnbaum said. “And I know the CDC and (Agency for Toxic Substances and Disease Registry) are pushing back on that.”

Given the study’s size — the CDC has said it aims to study 6,000 adults and 2,000 children across the seven states, by looking for unusual correlations between PFAS blood levels and medical issues — an OMB review is required.

But Birnbaum said the review process itself can cause delays even without formal disputes. It also creates a dynamic where only a few on-staff scientists at the White House are tasked with reviewing a study developed by numerous counterparts in other agencies. In this case, the draft study was also already peer-reviewed by a trio of independent scientists.

“I’ve always found it problematic,” Birnbaum said of the White House review process. “Things in general always take a long time if you have to take it to OMB, because they don’t have the staff.”

Ticking away in the background is the fact that the most well-known PFAS chemicals decrease in human blood by half every three to five years. With many impacted communities having stopped or curbed drinking water exposure by 2017, would-be study participants may already have less than half of the blood levels they did when exposure was first discovered. But without research to better identify safe levels in the blood, scientists don’t know what any decreases would mean.

Kyle Steenland, an Emory University professor who served as an epidemiologist in a landmark PFAS health study in West Virginia, says there are some scientific techniques that can “reconstruct” past exposures and blood levels. But he says it’s still an exercise in estimation, and getting actual data more quickly can only help.

“It’s an iffy product if you don’t have good data,” Steenland said. “I’d be a little concerned if it drags on and on.”

Laumbach said his understanding is that an OMB review can take a year or more, a timeline that Birnbaum also said is possible.

The original funding of the PFAS health study was hailed as a bipartisan victory in Congress. Key senators this week offered continuing support. Sen. Pat Toomey, R-Pennsylvania, “has reached out to OMB regarding this matter,” his office said.

Sens. Tom Carper, D-Delaware, and Bob Casey, D-Pennsylvania, said communities that face PFAS contamination deserve to know the results of the study as soon as possible.

“In this administration, OMB has consistently been the quicksand into which all rules designed to protect health and the environment sink,” Carper said. “This executive branch agency moves with the utmost haste when it comes to deregulation, but when it comes to basic protections for public health, time and again, OMB creates a standstill.”

Pease pilot also delayed

Those familiar with the process say an OMB review already led to some delay for the Pease pilot study. Meeting minutes from the CDC show researchers originally hoped to start the project last summer but were unsure how quickly OMB would move.

An official in February offered a conservative estimate that blood draws would begin in August. But the project wasn’t approved by OMB until that month, and the CDC didn’t begin recruiting study participants until October.

“There definitely have been delays in the OMB process,” said Mindi Messmer, a former New Hampshire state representative. “We’re happy that it’s getting started.”

Other states are now waiting for the start of the larger federal study. Spokesman Nate Wardle said the Pennsylvania Department of Health is “awaiting additional guidance and information from the CDC” to get started but has begun other aspects of planning.

“Part of that planning requires knowing the study protocol,” Wardle added.

It is typical for a review to take time, said Betsy Southerland, a former director of science in the EPA’s Office of Water who worked on PFAS prior to leaving the agency in 2017, but she criticized the budget office for not prioritizing PFAS.

“It seems like these kinds of studies should get really expedited reviews because of the concerns these communities have,” Southerland said.

Southerland also said the OMB process can serve as a “black box,” where other federal agencies are able to exert influence away from the public eye. Emails obtained by the nonprofit Union of Concerned Scientists last year showed the White House previously communicated with the Department of Defense and EPA in an apparent effort to curb the findings of a prior CDC study on PFAS.

“The question would be, is it just basically a bureaucratic delay,” Southerland said. “Or is one of those agencies, such as DOD, feeling like these kinds of studies unmask ... issues that they don’t want unmasked?”

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St. Croix Source

<https://stcroixsource.com/2019/11/30/beach-advisory-for-nov-25-29/>

Beach Advisory for Nov. 25-29

November 30, 2019

The Department of Planning and Natural Resources (DPNR) announces that the Beach Water Quality Monitoring Program, which evaluates weekly water quality at popular swimming beaches throughout the Territory by sampling for enterococci bacteria and turbidity, which is a measure of water clarity, advises the public of the following:

DPNR performed water quality analysis at 34 designated beaches throughout the territory during the week of Nov. 25-29, 2019. The following beaches meet water quality standards and are safe for swimming or fishing:

St. Croix

Shoy's
New Fort (Fort Louise Augusta)
Stony Ground
Buccaneer
Rainbow
Protestant Cay
Gentle Winds
Pelican Cove (Cormorant)
Frederiksted Public Beach
Cramer's Park
Dorsch Beach
Chenay Bay
Ha' penny
Princess (Condo Row)
Grapetree Bay
Cane Bay

St. Thomas

Hull Bay
Water Bay
Brewers Bay
Bluebeard's
Frenchman's Bay
Bolongo Bay
Lindqvist
Lindbergh Bay
Sapphire
Secret Harbor
Magens Bay

St. John

Oppenheimer
Cruz Bay
Johnson Bay
Frank Bay
Great Cruz Bay

The following beaches do not meet water quality standards because they exceed the established enterococci bacteria threshold and therefore are not considered to be safe for swimming or fishing:

St. Thomas

Coki Point
Vessup Bay

Please Note: Samples were not collected at the following beach:

Limetree Bay and Morningstar on St. Thomas; therefore, the water quality of this beach is unknown.

All persons should also be aware that storm water runoff may also contain contaminants or pollutants harmful to human health and therefore all persons should avoid areas of storm water runoff (i.e. guts, puddles and drainage basins) or if any area appears discolored or has foul odors. DPNR will continue to monitor the impacted areas and waters.

For additional information regarding water quality, call the Division of Environmental Protection at 773-1082 on St. Croix or 774-3320 on St. Thomas.

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NATIONAL

Inside EPA: High Court CERCLA Ruling Could Open Door For Climate Nuisance Cases

<https://insideepa.com/daily-news/high-court-cercla-ruling-could-open-door-climate-nuisance-cases>

December 02, 2019

The outcome of the Superfund case scheduled for Dec. 3 Supreme Court oral argument could have implications for numerous pending climate change nuisance and trespass cases, potentially allowing those cases to proceed even if the court rules the Superfund preemption claims cannot, a legal expert says.

Atlantic Richfield's (ARCO) preemption arguments in ARCO v. Gregory Christian, et al. are "very nuanced" and "very targeted" on Superfund-specific issues and do not challenge common law trespass and nuisance claims brought by residents surrounding a former copper smelter in Montana, Sara Colangelo, director of the Environmental Law & Policy Center at Georgetown Law, tells Inside EPA.

Because ARCO has "narrowly tailored" its preemption arguments, even if the justices rule in favor of the oil company, ARCO's position "carves out plenty of room for the climate claims" to continue, and the plaintiffs in those cases "could emerge on even stronger grounds," she says.

But, Colangelo cautions, it is uncertain whether the high court will reach the question of whether Superfund law preempts the landowners' claims because ARCO's case involves two other questions, and the justices could rule on one or both of those issues without addressing preemption.

In the ARCO case, landowners sued ARCO under state common law, making claims of trespass, nuisance and strict liability and seeking restoration damages.

The Montana Supreme Court in a 2017 split ruling found the restoration damages claim "arises solely under state common law, and does not implicate federal law or cleanup standards," citing language in CERCLA sections 114(a) and 302(d) that are commonly referred to as savings clauses.

The Clean Air Act includes a similar savings clause allowing state common law claims. The question of whether climate-related nuisance and trespass claims fall under state or federal common law is at issue in numerous cases brought by municipalities against large energy companies, including those involving [Baltimore](#) and [New York City](#).

The climate cases are seeking damages from the oil companies to compensate for their products' contribution to major climate change damages such as sea level rise. However, opponents of the cases argue they are chiefly targeting greenhouse gas emissions and are thus preempted by EPA's regulatory authority under the Clean Air Act.

ARCO, in seeking to overturn the state court ruling, argues the decision throws cleanup plans at the Anaconda smelter site and other massive sites into [chaos](#) and "provides a roadmap for other states to bless similar theories of recovery that run roughshod over CERCLA's calibrated scheme."

Specifically, the company raises three objections to the state court ruling, any one of which, if the high court endorses it, could block the residents' common law claims.

First, ARCO argues that a common-law claim for restoration seeking cleanup remedies that conflict with remedies EPA has ordered is a jurisdictionally barred challenge to EPA's cleanup under CERCLA section 113. Second, the company says the residents are potentially responsible parties that must seek EPA approval under section 122(e)(6) before engaging in remedial action, even if EPA has never ordered the landowner to pay for a cleanup.

And, third, the company says CERCLA preempts state common-law claims for restoration that seek cleanup remedies that conflict with EPA-ordered remedies.

States' Authority

While it is uncertain whether the Supreme Court will reach the savings clause question, it touches on the interplay between state and federal law.

And Colangelo says, "We have to acknowledge the court has seemed interested in states' authority in the environmental arena."

However, the narrowness of ARCO's arguments offers a path forward for justices concerned about property rights and federalism to rule in ARCO's favor without completely foreclosing all state common law claims, she says. Because ARCO acknowledges nuisance and trespass common law claims could still be viable, "it's hard to see how that wouldn't help the climate plaintiffs" even with a win for ARCO, she says.

ARCO in its opening merits brief makes a nuanced argument as to the scope of CERCLA's savings clauses, saying they "preserve state liability rules that govern compensation for injury to persons or property, but not state laws that purport to require cleanups that differ from CERCLA's."

This means the residents are "free to seek damages for diminution in the value of their property or other forms of traditional relief. But they cannot seek restoration damages at Superfund sites premised on alternative remedial plans that EPA has not ordered," ARCO says.

The residents counter in their brief that ARCO fails to address the plain language of the savings clauses, saying the company's "principal argument is that this Court should ignore these provisions." Yet the goal of preemption analysis is to discern Congress' intent, and such clauses reveal that Congress took care to preserve state law, the residents say.

"True, this Court has not held every state-law action salvaged by provisions generally disclaiming preemptive intent. But in carving out exceptions, this Court has merely adhered to the canon that the specific controls the general," the residents say.

And "ARCO can identify no statutory provision--whether specific or general--that could supersede Congress' codification of its intent to preserve state-law actions like Land-owners'," the residents conclude.

A coalition of state attorneys general, led by Virginia, also argue in an amicus brief that ARCO's position is flawed and its argument fails. "Petitioner distorts CERCLA's language and purpose, transforming it from a statute premised on cooperative federalism into one that would empower the Federal Government to the exclusion of the States," the states say. -- Lara Beaven (lbeaven@iwpnews.com)

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E&E: Energy and Commerce to focus on 'deep decarbonization'

<https://www.eenews.net/eedaily/2019/12/02/stories/1061698085>

[Nick Sobczyk](#), E&E News reporter

Published: Monday, December 2, 2019

The Energy and Commerce Committee this week will continue its quest to develop climate change legislation.

The Environment and Climate Change Subcommittee will hold a hearing Thursday entitled "Building a 100 Percent Clean Economy: Solutions for Economy-Wide Deep Decarbonization," capping off a series of committee work focusing on different sectors of the economy.

E&C Committee leaders are hoping to release a climate bill, or a framework for legislation, by the end of this year, likely centered on a carbon pricing scheme.

That effort, led by subcommittee Chairman Paul Tonko (D-N.Y.) and full committee Chairman Frank Pallone (D-N.J.), is meant to compliment other climate efforts elsewhere in the House.

"It's time we take a look at the role national climate mitigation policies and mechanisms will play in combating climate change and developing a clean economy," Pallone and Tonko said in a joint statement announcing the hearing.

Pallone also plans to attend U.N. climate talks this week with House Speaker Nancy Pelosi (D-Calif.) and other Democrats ([see related story](#)).

Schedule: The hearing is Thursday, Dec. 5, at 10:30 a.m. in 2322 Rayburn.

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E&E: Pentagon leaders likely to field questions on climate

Beverly Banks, E&E News reporter

Published: Monday, December 2, 2019

Senate Armed Services lawmakers will question Pentagon leaders this week on the nation's security and implementation of the National Defense Strategy, with climate a potential topic of debate.

The Trump administration's NDS, released last year, makes no mention of climate change. That's a departure from the George W. Bush administration. The Obama team never completed an NDS.

Despite the omission, former Defense Secretary Jim Mattis and other Pentagon leaders have made climate change a priority. And analysts have cautioned against reading too much into climate's absence from the defense strategy ([Greenwire](#), Feb 15, 2018).

With Mattis now gone and turnover high at the Pentagon, lawmakers, particularly Democrats, will be keen on asking about the Defense Department's priorities on the environment.

John Rood, Defense undersecretary for policy, is appearing along with Lt. Gen. David Allvin, strategy, plans and policy director for the Joint Chiefs of Staff.

A separate document released in 2017, the National Security Strategy, makes few mentions of climate change in stark contrast to Obama's version ([Greenwire](#), Dec. 18, 2017).

More than 100 House lawmakers [wrote](#) the president asking him to not downplay climate change in the strategy.

Members who advocate for climate action at the Pentagon, including Rep. Jim Langevin (D-R.I.), have also used the National Defense Authorization Act to focus the administration on the issue.

Earlier this year DOD released a report, in response to a congressional mandate, on the effects of climate change on 79 specific military installations.

A separate report from the director of national intelligence in January pointed to global warming as a threat to national security despite the president's own dismissal of climate science (Climatewire, Jan. 30).

Schedule: The hearing is Thursday, Dec. 5, at 9:30 a.m. in G-50 Dirksen.

Witnesses:

John Rood, undersecretary of Defense for policy.

Lt. Gen. David Allvin, director for strategy, plans and policy for the Joint Chiefs of Staff.

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Oklahoma Watch: EPA May Allow Disposal of Oil Waste in Waterways. Is Public at Risk?

<https://oklahomawatch.org/2019/12/02/epa-may-allow-disposal-of-oil-waste-in-waterways-is-public-at-risk/>

Within a year, Oklahoma could get approval from EPA to start issuing permits that will allow the oil industry to dispose of briny oil field waste in waterways, alarming environmentalists and making it the first of three Southwestern states to step into a thorny regulatory landscape closely watched by the industry.

If it catches on, the plan could help the oil industry cope with a growing waste disposal problem — one exacerbated by industry-linked earthquakes. And it could boost a multibillion-dollar industry that has grown up to manage oil field wastewater. But environmentalists are warning that the industry could wind up polluting waterways by releasing the treated water before it fully understands what's in the fluid.

Once the wastewater is handed off to other users or allowed into surface water, “we can’t bring those discharges back,” said Nichole Saunders, a senior attorney with the Environmental Defense Fund’s Climate and Energy Program.

Historically, the industry has disposed of wastewater, also known as produced water or salt water, in deep injection wells. Oklahoma, Texas and New Mexico are exploring the idea of allowing oil companies to recycle the fluid and either transfer it to other users or release it into surface water like streams and rivers.

Both sides agree it could happen quickly, although the regulations on releasing treated wastewater into surface water will likely vary from state to state. Oklahoma has already asked EPA for authority to issue permits for oil field waste disposal, and both Texas and New Mexico enacted laws this spring that require their environmental agencies to explore the idea.

“I don’t see it far off at all,” said Bud Ground, director of regulatory affairs at the Oklahoma Petroleum Alliance.

So far, a few other states have allowed disposal of oil and gas wastewater into rivers and streams, but it’s been limited. The changes that are happening in Oklahoma, Texas and New Mexico could bring the practice into the heart of the nation’s oil-producing region.

Experts have begun seeing signs that the industry is gradually running out of space to dispose of wastewater in the deep aquifers it has historically used.

To get an idea of how much wastewater the oil industry produces, look at the reservoir in New York City’s Central Park. The artificial lake — 40 feet deep and surrounded by a 1.6-mile running track — holds about a billion gallons.

The oil industry in Texas alone produces 357 billion gallons of wastewater a year (8.5 billion 42-gallon barrels), which is roughly enough to fill the Central Park reservoir every day. And according to the Texas Alliance of Energy Producers, the state's producers will pump 15 billion barrels of wastewater a year by 2023.

Oklahoma and New Mexico, the two other states that are considering regulatory changes, also produce billions of barrels of waste each year.

Wastewater disposal is a problem as old as the oil business — almost every oil well produces some briny water along with crude. It can have as much as six times more salt than seawater and can also be contaminated by crude oil, drilling chemicals and radioactive material or other minerals from the formation.

Spills and other mishaps with produced water have happened throughout the oil patch. Environmentalists and landowners say the salty waste is often harder to clean up than spilled oil, and it can sterilize the soil for years after a spill.

The fracking boom of the last decade has compounded the need for disposal.

Fracking itself — the process of breaking up rock formations with water and chemicals — has created a stream of wastewater that has to be disposed of or recycled. And fracking has pushed the industry into rock formations that have a lot of naturally occurring water trapped along with the oil and gas.

Experts have begun seeing signs that the industry is gradually running out of space to dispose of wastewater in the deep aquifers it has historically used.

The glut of produced water contributed to a string of earthquakes in Oklahoma from 2010 to 2014, which began to decline when state regulators limited the amount of wastewater injection in some parts of the state.

In Texas, researchers also have reported seeing earthquakes, though on a smaller scale than Oklahoma, and they've also reported rising underground pressure in the saline aquifers used to dispose of the waste. That could push up the cost of injecting the waste in the short term and start to limit the amount of fluid the formations can handle in the long term ([Energywire](#), Dec. 20, 2018).

Neither of those trends is a crisis yet, but industry trade groups and state regulators started looking for alternatives a couple of years ago, Oklahoma's Ground said.

"We just really want to be able to get ahead of it," he said.

EPA Regulatory Gap

Environmentalists say the industry and regulators will need to fill some large gaps in their knowledge before they can begin safely transferring water out of the oil field.

The industry has faced tough questions for years about the chemicals it uses in fracking fluid. Most of the information has become public knowledge since 2012, when a voluntary disclosure program known as FracFocus was started.

But some of the chemicals used in fracking are still listed as trade secrets ([Energywire](#), Dec. 22, 2015).

And there's even less known about the makeup of the naturally occurring brine that makes up the bulk of the waste stream. Produced water from oil fields is exempt from the federal law that governs most hazardous waste, known as the Resource Conservation and Recovery Act (RCRA).

Normally, industries that handle hazardous waste have to spend years determining its potential danger. That hasn't happened with oil field waste because of the RCRA exemption, and the industry has felt little need to do independent research because most produced water was simply injected into disposal wells, EDF's Saunders said.

The move to use treated wastewater outside the oil field creates a couple of problems. To discharge the treated waste into surface water, companies will need to get a permit under the Clean Water Act's National Pollutant Discharge Elimination System (NPDES).

“If we aren't cautious, we could end up putting our limited and highly valuable surface water resources at risk.”

Rebecca Roose, New Mexico Environment Department

Those permits require detailed information about what's in the wastewater and how it will affect the environment. But the historical RCRA exemption means there's little existing research on the contaminants in produced water.

And the Clean Water Act doesn't cover transfers of treated wastewater to other users, leaving a regulatory gap.

“There are few if any regulatory programs for treatment and use of produced water for these other purposes,” Saunders said. “Where they do exist, they are very old.”

There's another crucial distinction. Most industrial wastewater comes from a single source, like a steel mill. In a case like that, the owner knows what's in the waste stream, and it's only treating waste from one site.

In the oil field, companies could be handling produced water from thousands of sites. Each site may have a different geology, which can change the makeup of the produced water, and each well may be treated with a different blend of drilling chemicals, further changing the makeup of the wastewater.

“We're talking about a very, very complex waste stream that changes from well to well, region to region, day to day,” Saunders said.

The Groundwater Protection Council, a consortium of state regulators that generally favors oil and gas development, has also stressed that more information is needed before produced water can be released into fresh water.

Any research will have to be done on a location-by-location basis, with the goal of matching the quality of the treated wastewater to the end users, like livestock growers or electric plants that need water for cooling, said Mike Paque, executive director of the groundwater council.

“Making the water fit health-wise, environment-wise is where the research needs to be done,” he said.

‘Resources at Risk’

Ground, of the Oklahoma Petroleum Alliance, said the environmental concerns are manageable. A lot of industries already discharge treated wastewater into rivers and streams — not to mention virtually all of the municipal sewage in the country. And there's a limited amount of produced water being treated and released into rivers in gas-producing states like Pennsylvania and Colorado.

A key goal for the industry is for states to take over Clean Water Act permitting from the EPA, a process known as delegation. That would allow them to issue permits more quickly and companies to apply to a single agency for wastewater and other types of permits.

The Oklahoma Department of Environmental Quality applied for that authority earlier this year and is responding to questions EPA raised, including whether the state wanted to take over authority for handling other types of oil field wastewater, such as the fluid left over after pipelines are hydrostatically tested, Erin Hatfield, a spokeswoman for the agency, said in an email.

In Texas, regulators at the state Commission on Environmental Quality are watching Oklahoma's progress. The Texas Legislature enacted a law this spring requiring TCEQ to ask the EPA for delegation authority by 2021.

The state agency already has authority from the EPA to issue discharge permits for hydrostatic testing waste, state officials said at a September meeting to discuss the new law.

“We’re learning very quickly,” said David Galindo, director of the commission’s water quality division.

New Mexico regulators are taking a more cautious approach. As in Texas, the New Mexico Legislature enacted a law aimed at making it easier to dispose of produced water outside the industry.

Texas and Oklahoma already have authority from the EPA to issue NPDES permits for other types of wastewater, like city sewer plants. New Mexico doesn’t have that authority, so it lacks the experience that its neighboring states have — another reason to proceed slowly, said Rebecca Roose, director of the New Mexico Environment Department’s water protection division.

The state is holding a series of meetings on produced water reuse, but Roose and other officials have stressed that they want to move carefully, particularly when it comes to discharging treated waste into streams and rivers.

“If we aren’t cautious, we could end up putting our limited and highly valuable surface water resources at risk,” Roose said.

A New Industry

The slow decline in injection capacity, coupled with the need to preserve fresh water in thirsty regions like West Texas and New Mexico, has already pushed some players to recycle wastewater and reuse it for fracking and other oil field operations. Unlike discharges in fresh water, the reuse process doesn’t require EPA-approved permits.

Trade groups, including the Texas Alliance of Energy Producers and the Groundwater Protection Council, are promoting the idea of reusing treated wastewater outside the oil industry, although the groups caution that a lot more research is needed before that happens.

As of last year, about 30 treatment plants were operating in Oklahoma to prepare produced water for reuse in the oil field. In New Mexico, about 8% to 10% of oil field wastewater is being recycled, according to the state Oil Conservation Division, and a similar amount is being recycled on the Texas side of the Permian Basin, according to the Texas Alliance of Energy Producers.

The trend has spawned a new industry that hauls away oil field wastewater, with dozens of companies and revenue growing into billions of dollars, said Matt Gabriel, chief executive officer of XRI in Midland, Texas.

XRI and its peers are poised to grow as states begin to limit the amount of injection they allow. Already in Texas, regulators at the state Railroad Commission are limiting the amount of fluid that new disposal wells can inject as a way to cope with the increase in earthquakes, said John Durand, XRI’s president.

XRI is trying to stake out a new position. Instead of simply injecting its customers’ wastewater into disposal wells, the company is using a 300-mile network of pipes to move the fluid to one of seven terminals, where it treats the water and recycles it back to the oil companies.

The company recently acquired Fountain Quail, a 20-year-old company that specializes in recycling and treatment equipment.

In the long run, XRI and other companies are looking for ways to promote “beneficial reuse” — transferring the treated wastewater to other users like farmers and ranchers, or other industry like power plants that need water for cooling, Durand said. Disposing of the treated wastewater in rivers and streams could be one of those solutions, but it won’t likely happen for several years.

“Our business is very much focused on treatment and recycling and reducing the industry’s reliance on fresh water and disposal wells,” he said. “Beneficial reuse is something that is a long-term goal, but that will take time along with regulatory approvals and advancements in technology.”

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Idaho News: Idaho utility will dismiss lawsuit against EPA over dams

<https://idahonews.com/news/local/idaho-utility-will-dismiss-lawsuit-against-epa-over-dams>

by KEITH RIDLER Associated Press

Friday, November 29th 2019

BOISE, Idaho (AP) - An Idaho utility will voluntarily dismiss its lawsuit against the U.S. Environmental Protection Agency involving relicensing of the company's hydroelectric project where federally protected fall chinook salmon reproduce.

Idaho Power in documents filed earlier this week in U.S. District Court says the EPA in response to the lawsuit has approved allowing warmer water temperatures in the Snake River below the Hells Canyon Complex on the Idaho-Oregon border.

The National Marine Fisheries Service says the change is not likely to jeopardize salmon or their critical habitat.

Idaho Power says allowing warmer water below the dams could reduce the cost of electricity and save customers up to \$100 million over 50 years.

The company says the Hells Canyon Complex generates about 70% of its hydroelectric power supplied to customers.

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PEW: Southern States Split in Response to EPA's Coal Ash Rule Rollbacks

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/12/02/southern-states-split-in-response-to-epas-coal-ash-rule-rollbacks>

Stateline Article December 2, 2019

By: Max Blau

As the Trump administration scales back federal regulation of the waste from coal-fired power plants known as coal ash, a handful of Southern states have passed laws forcing utilities to clean up or contain the toxic mess.

Other states, though, have done little or nothing.

Four years ago, the Obama administration put in place America's first comprehensive regulations for disposing of coal ash, the residue left after coal is burned. The rule set minimum standards for monitoring groundwater near coal plants, set public record keeping and disclosure requirements, and told utilities to phase out unlined ash ponds.

But the Trump administration has had other ideas. At first, it delayed Obama regulations from fully going into effect.

Now, Environmental Protection Agency Administrator Andrew Wheeler, a former coal lobbyist, has proposed softening rules that aim to limit the leaching of coal ash toxins into water supplies. The Trump administration also has proposed softening groundwater monitoring requirements and allowing some sites to store coal ash in unlined ponds for a longer period of time.

The administration also has encouraged states to ask permission to take over disposal permitting.

Earlier this year, Wheeler said “proposed changes will further responsible management of coal ash while protecting human health and the environment.” Last month, Wheeler said the Obama-era coal ash rule “placed heavy burdens on electricity producers across the country.” EPA spokeswoman Maggie Sauerhage told Stateline that the changes “provide a workable and reasonable framework for facilities and states to implement going forward.”

The South is home to nearly half of America’s largest coal ash disposal sites — known as ponds or pits — according to a Stateline analysis of data from the Environmental Integrity Project.

Each year the burning of coal at U.S. plants leaves behind about 130 million tons of ash, one of the largest sources of industrial waste in the country, the EPA said on its [website](#). Coal ash contains heavy metals such as arsenic, mercury and hexavalent chromium. Prolonged exposure to each of these contaminants can increase the risk of various forms of cancer, plus a host of other ailments including ulcers and kidney damage, according to research from the EPA and the Agency for Toxic Substances and Disease Registry.

Most of America’s ponds are unlined and contain contamination groundwater at levels that surpass federal standards, according to an analysis by the environmental nonprofit Earthjustice, which tracks coal ash data that current EPA regulations require utilities to disclose. Advocates with the organization now say that states must pick up the slack in lieu of the EPA.

“In this political climate, it’s essential for states to protect the health of their residents,” said Earthjustice senior counsel Lisa Evans. “But for every state that takes action, you have [others] that don’t.”

Lawmakers in Virginia and North Carolina have taken steps to require utilities to excavate coal ash from unlined ponds to prevent the heavy metals from seeping into groundwater.

This past June, Tennessee officials settled with the Tennessee Valley Authority to excavate millions of tons of coal ash from ponds that the state said polluted the Cumberland River.

“Whatever the EPA does — or doesn’t do — is not going to affect us,” said Virginia Democratic state Sen. Scott Surovell, who helped lead the bipartisan effort to pass his state’s law. “I don’t think anybody expects the EPA to adopt guidelines that are stricter than what we’ve accomplished in Virginia.”

In some states, including Kentucky, additional enforcement is limited by existing laws that restrict state officials from creating tougher regulations than the federal government.

In other states, such as Georgia and Alabama, officials have taken steps to adopt their own regulations. Advocates say those rules fall far short and leave environmental lawyers, groups and residents to fight utilities regarding coal ash disposal in courtrooms and the court of public opinion.

But state officials in Georgia, Oklahoma and Kentucky see the rollbacks as necessary to correct what they felt was an Obama-era overreach.

The chairman of the Georgia Public Service Commission, Lauren “Bubba” McDonald Jr., said the state should be allowed to create a plan that suits Georgia’s specific needs while also limiting the potential costs to taxpayers.

That perspective is shared by industry trade groups, including American Coal Ash Association communications coordinator John Ward, who said the EPA’s current course allows states to create more specific protections than a “one-size-fits-all” approach.

“My complaint is that EPA comes along with broad-brush restrictions that don’t fit every state the same way,” McDonald told Stateline. “Georgia is different from California. Georgia is different from New Jersey.”

State Policing

Southern states are home to not only some of the nation's largest coal-fired plants, but also the largest coal ash disasters in modern American history. So as the EPA shifts away from policing coal ash, states such as Virginia have taken proactive steps to mitigate contamination.

Earlier this year, Virginia state lawmakers passed a measure that will require Dominion Energy to move 27 million cubic yards of coal ash from unlined ponds into landfills with liners. Liners help prevent the coal ash — and the heavy metals within it — from leaking into groundwater.

In December 2008, the TVA's Kingston Fossil Plant coal ash pond's wall collapsed. More than three-dozen cleanup workers died a decade later from illnesses related to the coal ash exposure. (A jury last year found that the TVA contractor Jacobs violated its contract by failing to protect its workers from coal ash. Jacobs has since appealed in federal court.)

The accident caused over 1 billion gallons of sludge to flow into the Emory River and damaged dozens of nearby homes, but no one died in the landslide.

In February 2014, a drainpipe ruptured at Duke Energy's coal-fired plant near the town of Eden, North Carolina, and sent 39,000 tons of ash into the Dan River in one of the worst environmental disasters in state history.

Although the utility faced criminal charges and fines — and was forced to clean up the waste — few locals have forgotten about the spill.

"It's a long-term issue," said Steve Pulliam, who serves as the Dan River keeper as part of the Waterkeeper Alliance, an environmental organization. "If the Dan River is low, you can go to the section that was contained in the spill, and if you shovel into the riverbed, you can still find coal ash."

Both spills pushed the Obama administration to issue the first federal regulations on U.S. coal ash ponds. (Before then, Congress had exempted coal ash from waste regulations.)

The director for the Virginia Department of Environmental Quality's land protection and revitalization division, Justin Williams, said the commonwealth started by adopting those federal requirements into its state regulations to ensure that future EPA revisions wouldn't undo those standards statewide.

"It ensured [the 2015 coal ash rule] was enforceable in the permitting we did at the state level," Williams said. "That's maintained to this day, even as EPA has proposed revisions to the rule."

Surovell, the Virginia lawmaker, noted that Dominion is required to recycle at least a quarter of its coal ash. Beyond that, state lawmakers capped what the utility can recover from closing coal ash ponds.

Ultimately, Surovell said, Dominion supported the state's coal ash efforts, which gave the utility more certainty at a time of "changing federal prerogatives." Dominion did not respond to Stateline's request for comment.

With the Virginia law passed, he said, the state and the utility can now get to the hard part: preventing more coal ash from seeping into groundwater. And they don't have to wait around for the EPA.

"It's challenging to get anything done at the federal level," said Virginia state Sen. Amanda Chase, a Republican from Midlothian. "States are closer to what's going on. They can address those issues more carefully."

This past April, North Carolina's Department of Environmental Quality ordered Duke Energy to move all its coal ash to lined landfills. Duke has appealed the decision, but so far has been unsuccessful.

Duke spokesman Bill Norton told Stateline that the appeal was intended "to protect customers from excessive disruption and unnecessary costs." Norton asserted that drinking and recreational water supplies can be protected under the company's preferred plans to close its ponds.

Pulliam, the riverkeeper, fears that deregulating coal ash gave Duke an opening to prolong its legal battle with the state of North Carolina. Thirty miles southwest of the Dan River spill site, the state has ordered Duke to excavate coal ash from half a dozen “low risk” sites, including the 277-acre Belews Creek Steam Station.

Norton said that Pulliam’s assertion is “symptomatic of a concerted effort by a small group of environmental extremists to mislead the public.”

Pulliam, however, said, “We’ve seen the effects of coal ash in Eden, but instead of being more proactive, [Duke is] waiting to act at [sites like] Belews Creek. They should stop fighting against this progress we want, jump on board, and do the right thing.”

‘We Have a Battle’

For other states, Earthjustice’s Evans said, the Trump administration’s “unprecedented activity” has left Southern communities near coal plants largely unprotected from potential air or water contamination.

In November, a group of more than two dozen Democratic U.S. House members — representing four Southern states — urged Wheeler to reconsider the EPA’s actions.

“You can’t rely on the EPA,” said Avner Vengosh, a professor of earth and ocean sciences at Duke University who studies coal ash. “Residents [near coal plants] need to push municipalities, counties and states to protect themselves from coal ash.”

In Kentucky, which has more than three dozen coal ash disposal sites, environmental officials are banned from enacting rules that go beyond federal ones.

The secretary of the Kentucky Energy and Environment Cabinet, Charles Snavely, declined an interview request.

Two weeks before President Barack Obama left office, the president signed a bill allowing states to take over coal ash permitting.

Under the Trump administration, the states that have sought to take advantage of this — including Alabama, Georgia and Oklahoma — had the potential to implement further safeguards.

But attorneys with the Southern Environmental Law Center say environmental officials in Alabama and Georgia have inserted loopholes that limit public hearings or citizen-group lawsuits. Officials from Georgia declined to comment, and ones in Oklahoma did not respond to Stateline’s requests for comment.

At a recent EPA panel in Atlanta, more than two dozen residents urged federal officials not to transfer coal ash permitting responsibilities to Georgia’s environmental division. Scientists and residents expressed concerns that Georgia’s environmental branch lacked the resources and staffing to provide stronger groundwater protections.

“A lot of these plans don’t end up looking like traditional permit programs,” said Abel Russ, senior attorney with the Environmental Integrity Project. “They’re more like rubber stamps with little oversight from a state agency.”

An official with the Alabama Department of Environmental Management told Stateline that the department had increased its staff from nine to 14 people in advance of handling more coal ash permits, and is not trying to limit public input or lawsuits.

“We’re going to be as stringent as the feds, and maybe a little more,” the official said, who asked not to be identified by name, but was authorized to speak on behalf of the agency. “And if our legislature says we need to dig all the coal ash up, we’ll have [utilities] dig it all up.”

Two subsidiaries of a giant utility, the Southern Company — Alabama Power and Georgia Power — plan to keep some of their coal ash in unlined ponds.

State lawmakers in Alabama and Georgia have not supported sweeping changes like in Virginia or North Carolina, where coal ash must often be placed in lined facilities.

Casi Callaway, the Mobile Bay Keeper in southern Alabama, said data from Alabama Power's 2018 groundwater monitoring confirmed levels of arsenic more than 300% higher than the national limit at one of its plants.

Earlier this year, the subsidiary was fined \$1.25 million for contaminating groundwater at five of its plants.

A spokesman for Alabama Power, Michael Sznajderman, said the utility's corrective action plans include new systems for handling coal ash.

The utility also plans to move some coal ash away from waterways — placing that waste into an unlined pond that has a "natural clay" bottom and a retaining wall, he said.

"Our closure plans will address the elevated levels of material over time," Sznajderman told Stateline. "We will also be monitoring for at least the next 30 years to ensure water quality protection."

Still, Callaway hopes to persuade state lawmakers and regulators to embrace stricter rules by emphasizing the potential risk the waste poses to the state's economy.

"We don't have leadership at the state level that's doing the right thing," Callaway said.

Officials in Oklahoma stand by their push to regulate coal ash at the state level. Oklahoma's secretary of energy and environment, Kenneth Wagner, did not respond to a Stateline interview request. But he recently said that state permitting remains "the most efficient way to protect the public and meet the needs of industry."

"We continue to believe that federal standards are best implemented at the local level," Wagner said in a recent EPA statement.

Rate Hikes

Faced with the EPA's rollbacks, utilities responsible for coal ash disposal across the South find themselves at a crossroads. The Trump-era rollbacks haven't caused utilities to fully shift course. But the recent deregulation has emboldened regional utilities to ask for double-digit rate increases.

In North Carolina, Duke Energy Progress, a subsidiary of Duke Energy, has asked to increase its rates by 12.3% to offset a \$464 million investment. Georgia Power is hoping for a potential rate hike of nearly 11%.

The vice chairman of the Georgia Public Service Commission, Tim Echols, said regulators were unlikely to give Georgia Power the full rate hike. Moving forward, he thinks Georgia Power can potentially recycle coal ash and sell various products made from it.

South Carolina utility Santee Cooper, one of the first Southern utilities to remove coal ash from unlined ponds, has recycled some of its waste into drywall. Ward, the ACAA spokesman, said utilities also have used recycled coal ash in concrete for highways, bridges and airport runways. "The best solution is to quit throwing it away," Ward said.

Executives from both utilities have argued the hikes would allow a faster shift away from coal. When asked by Stateline, a spokesperson from each utility said that the EPA's recent decision would not alter their long-term plans.

"We are already far down the path of closure," Duke spokesman Norton said.

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AG Wired: NBB Asks EPA To Properly Account for SREs

Cindy Zimmerman December 2, 2019

<http://energy.agwired.com/2019/12/02/nbb-asks-epa-to-properly-account-for-sres/>

The National Biodiesel Board (NBB) comments on EPA's supplemental proposal for 2020 renewable volume obligations urge the agency "to properly account for small refinery exemptions, address the remand of the 2016 standards, and increase the 2021 biomass-based diesel volume."

NBB is encouraging EPA to use a three-year average of the gallons EPA actually exempted. "Unfortunately, the proposal uses an average of past exemptions recommended by the Department of Energy (DOE) rather than an average of actual volumes waived," NBB writes. "Because EPA has ignored DOE's recommendations in each of the past three years, that methodology would only account for about half of the annual impact of recent small refinery exemptions."

NBB also points out that EPA does not propose to do anything about small refinery exemptions before 2020. "Over 4 billion gallons of demand for biofuels has been lost due to retroactive small refinery exemptions for compliance years 2015 through 2018. This impact has been particularly significant for biomass-based diesel producers because biomass-based diesel RINs can be used to satisfy multiple obligations under the RFS," NBB writes. "Despite having the means to do so, EPA has not proposed to do anything in the Supplemental Notice to address this massive loss of renewable fuel demand."

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KMA: Biofuel supporters pack IRFA's stance on EPA RFS rule

http://www.kmland.com/news/biofuel-supporters-pack-irfa-s-stance-on-epa-rfs-rule/article_797a9214-1519-11ea-8d17-634b0bbbf3e5.html

By [Mike Peterson](#)

(Johnston) -- Supporters of maintaining President Trump's deal regarding Renewable Fuel Standards have made their feelings known to the Iowa Renewable Fuels Association.

Shenandoah native Monte Shaw, the IRFA's executive director, says more than 800 individuals signed a statement sent to the Environmental Protection Association, urging that Small Refinery Exemptions issued on RFS levels not destroy the biofuel demand. Last Friday was the EPA's deadline for public comments on projecting the volume of gasoline and diesel exempt in 2020 due to SREs based on a three-year average recommended by the U.S. Department of Energy. Speaking on KMA's "Morning Line" program Monday morning, Shaw says the SREs have had an adverse effect on the ethanol and biofuels industries.

"It's really devastated the market," said Shaw. "It's really hurt ethanol, ethanol prices. It's hurt corn and corn prices, and there was quite an outcry. The president heard this, and said, 'hey, we're going to fix this.' Supposedly, he was going to put forth a proposal that would kind of restore the integrity of the RFS, make the numbers whole again to the way the law was intended. But, the EPA rolled out a rule that didn't exactly do that. They didn't put certainty back to the RFS. So, there was quite a bit of action during this comment period to tell the EPA, 'hey stick to what the president promised, fix the RFS, fix this rule.' That comment period closed on Friday."

Shaw says feedback sent to the EPA before the deadline indicated people were upset over how the RFS levels were implemented.

"Basically, the EPA is saying, 'well, our fix could work, if we decide to do it in the future--that kind of thing,'" he said. "With all due respect, the way they've implemented the RFS over the last few years, nobody trusts the EPA to do it right in the future, unless their hands are tied. And, quite frankly, it's not supposed to be up the EPA. Congress passed a law, it's the law of the land, and the EPA is supposed to implement it."

With the comment period's ending, Shaw and other Iowa officials now await the EPA's ruling, which is expected before the end of the year.

"It's going to have a huge impact," said Shaw. "I really do think it's going to set the stage for whether the RFS is going to be a meaningful policy going forward, or whether basically it's been undermined under this administration. I think there's a lot at stake for farmers. I think there's a lot at stake for President Trump's relationship heading into the election year. This is a big deal."

Shaw is also among those calling on the EPA to maintain the previously-agreed upon reallocation level of 15 billion gallons set back in September. You can hear the full interview with Monte Shaw on our "Morning Line" page at kmaland.com.

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E&E: Oil industry will 'vigorously challenge' EPA proposal

[Marc Heller](#), E&E News reporter

Published: Monday, December 2, 2019

Petroleum companies looking to scale back federal biofuel blending mandates won't make much progress with Congress anytime soon — but they might have better luck with EPA, an industry group said today.

The outlook for congressional action on the renewable fuel standard is "very limited," said Frank Macchiarola, senior vice president of policy, economics and regulatory affairs at the American Petroleum Institute, in a conference call with reporters as EPA closes out a public comment period on proposed tweaks to the RFS.

Last Friday's deadline for public comments on the proposal marked the end of one chapter of an intense lobbying campaign among biofuel industry groups, petroleum companies looking to scale back ethanol-blending requirements and lawmakers aligned with either side. Officials will now consider how and whether to change the proposal, although the timing of a final decision is uncertain.

Two main proposals are in play. One lays out the annual volumes of biofuel to be blended into the fuel supply next year, including 20.4 billion gallons of total renewable fuel, 5.04 billion gallons of advanced biofuel and 0.54 billion gallons of cellulosic biofuel.

That proposal assumes a conventional biofuel volume of 15 billion gallons, meeting congressional mandates.

The other, more contentious issue is an October supplemental proposal addressing the volumes of biofuel associated with refineries that EPA exempts from the requirements for reasons of economic hardship. The agency proposed to reallocate those gallons among other refineries, although biofuel advocates say the exact wording might not result in a gallon-for-gallon redistribution.

Macchiarola said the regulatory route appears to have more promise than legislation for API's priorities, especially given some Republican retirements in the House, where the party already is in the minority.

While API has broad objections to biofuel policy, the group isn't opposed to ethanol in the marketplace, he said. It's mainly targeting the proposal to reallocate waived biofuel volumes — an idea the API will "vigorously challenge," he added.

"We think we have a strong challenge to this rule," Macchiarola said.

Biofuel groups have also criticized that part of the proposed regulations. They say EPA should base volume reallocations on a more accurate representation of gallons waived.

"EPA's proposal does not ensure sufficiently accurate projections for waived gallons and, therefore, will continue to shortchange the RFS when waivers are granted," said Kevin Ross, president of the National Corn Growers Association, in a statement.

As a final flurry of comments arrived at EPA, Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) also weighed in, echoing his past criticism of the program.

Barrasso called EPA's proposal to reallocate waived volumes of biofuel illegal, saying in a letter to EPA Administrator Andrew Wheeler that Congress never gave the agency authority to do so.

Instead, Barrasso said, the legislation creating the renewable fuel standard bars EPA from reallocating those volumes to other refineries. And Wheeler's own past testimony to Congress suggests the agency didn't believe it had the authority to take the action it's now proposing, he said.

"In the end, I can't help but view EPA's recent proposal not only as illegal and arbitrary, but incoherent and without any legitimate purpose," Barrasso said. "The agency should scrap it in its entirety."

EPA's supplemental proposal may delay a final decision on biofuel volumes as well, and industry representatives aren't sure whether they'll see a final rule by year's end, Macchiarola said.

"Clearly they're going to need additional time," he said. "It's sort of uncharted territory."

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Counter Punch: Environmental Protection Politics: an Interview with William Ruckelshaus on the Difficulty of Making Public Policy Changes

by [Thomas P. Healy](#)

U.S. Environmental Agency (EPA) founding administrator William D. Ruckelshaus died Nov. 27, 2019. EPA was created in 1970; Ruckelshaus served as its head until 1973. A decade later he returned briefly to head the agency during the Reagan administration. As part of a series of events celebrating EPA's 35th anniversary in April 2006, Indiana University's School of Public and Environmental Affairs hosted Ruckelshaus in Bloomington for a lecture and panel discussion. Prior to those events he met with journalists to answer questions.

Healy: What is the greatest obstacle to implementing effective environmental policies?

Ruckelshaus: Public distrust of the federal government. Unless the people can place some minimal degree of trust in their governmental institutions, free societies don't work very well. To me, this is the central ugly fact confronting the government of the United States. The more mistrust by the public, the less effective government becomes at delivering what people want and need.

What specifically do you think the U.S. should be doing in the area of environmental protection that it isn't doing?

I think we should adopt a Policy #1 that global warming is a real problem, and we are a major contributor to carbon in the atmosphere and we need to take serious steps to reduce it.

We should have some kind of Manhattan-style Project to find out how to generate energy using less carbon and every form of energy should be open, including nuclear. Nuclear power is not economical right now and it

also scares people to death, even though we have generated 20 percent of our electrical energy in this country using nuclear power for a long time and are likely to be generating something like that over the next 15 to 20 years when these plants are scheduled to phase out. But other alternative forms of energy, including really getting serious about conservation, can all be done within economic good sense.

We haven't reduced vehicle miles traveled very much. My own view is if you reduce the amount of gasoline you use, you do about eight good things and price doesn't seem to have an awful lot of effect on it. At \$3 a gallon, if that doesn't get people upset, I don't know what will.

Are politicians preventing science from having an impact on policy decisions?

Oh, that's true. Following what they believe to be the national interests or the interests, broadly speaking, of constituents, I think the President and his advisers believe that Kyoto, for instance, is way too expensive. It's going to cost us too much money versus the benefits that we would receive for it. That's a nice way of putting it. The other way of putting it is, it's just politics. But then politics usually is related to some economic or other benefit that your constituents are going to receive that outweighs — at least in their minds — the impact of some regulatory regime or other kind of approach that would have a different result.

One of your more controversial actions in your first stint as EPA administrator was the banning of DDT. Do you regret that decision, given that malaria is again emerging as a global health threat?

The statute that controlled the use of things like DDT — pesticides or herbicides — required the EPA administrator to balance the risk of the continued use of that pesticide against the benefits. About 70 percent of DDT use in this country was for the control of insects on cotton. There were some uses in the forest in the Pacific Northwest and some controls of other insects around the country but primarily it was used on cotton. Cotton insects targeted by DDT were evolving into a much more resistant species, so you had to use more and more of the material in order to have the desired effect. The impact on man was if anything minimal — there was no proof that it was having any adverse impact on man.

There was proof it was having effect on raptors — an egg-thinning phenomenon on peregrine falcons and bald eagles. It was also having an effect on shellfish and freshwater shrimp in particular. It wasn't an easy decision but the balance seemed to me to be that the risk outweighed the benefits to society. We had substitutes for DDT that could be used but didn't have the same kind of long-term risk to the environment that DDT was having.

The DDT ban just affected this country, not other countries. The objection to the decision since has been that because we banned it here, it became discredited in much of the rest of the world, and the World Health Organization among others put pressure against its use in places like Africa where malaria was quite high.

If the facts as I stated them to you are the same today as they were when the decision was made, then I wouldn't change my mind. But if they're different, if there are more benefits to DDT than I realized, I might change my mind. At the time it was made, I think the decision was right.

A hypothetical question: Say your president asked you to serve, and once again you agree and are confirmed by Congress to head the EPA. What would you do with the agency now?

Well, it would be something I'd have to confront before I took the job, assuming this offer were made. I think one problem that any EPA administrator has now is that it's very hard to get change. Because this administration has been in power now for six years, the public's minds — and therefore a lot of people in Congress' minds — have been formed about what this administration thinks about the environment. And so in order to get constructive change in either our environmental laws or the way they're administered, you have to have a fairly high degree of public trust. But if the public didn't believe you and thought your decisions were favoring some constituency that the president had, it's very hard to make any progress.

The same thing was true when I went back to the EPA in the Reagan administration in 1983. The Congress had been affected by public attitudes about what the Reagan administration was going to do about the environment and they weren't about to make any changes. I was there about two years and left in his second term. You can

perform administrative functions but you can't really get any change because the Congress won't entertain it. It's too risky for them politically. It's not that they don't realize that change is needed, but they won't make the statutes better or more realistic or function better. They won't do it.

And so I think the reason your hypothetical strikes me as unreasonable is that I don't think I would accept the job. [Laughs] I'm too old to be an administrator.

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Remembering Ruckelshaus: 'Bill was our heart and soul'

Kevin Bogardus, E&E News reporter Published: Monday, December 2, 2019

Past and present EPA officials are paying tribute to the agency's first administrator.

Bill Ruckelshaus, who died last week, was remembered as the epitome of a public servant who loved the agency he helped found and later restore after it had fallen on hard times. He led EPA twice, from its inception in 1970 through 1973 and then again from 1983 to 1985.

William Reilly, who served as EPA administrator during the George H.W. Bush administration, said Ruckelshaus established the example of how to lead the agency.

"Ruckelshaus set the standard on how to run the EPA with energy and integrity," Reilly told E&E News. "He really set the model for all of us who have followed."

Born in Indianapolis in 1932, Ruckelshaus had years of public service before joining EPA. The Princeton and Harvard Law School graduate was once an Army drill sergeant and served as deputy attorney general for Indiana, where he gained environmental experience, as well as in the Indiana House of Representatives.

Ruckelshaus, a Republican, ran for the U.S. Senate in 1968 but lost to Democrat Birch Bayh. He then landed at the Justice Department and was soon after picked to run the newly formed Environmental Protection Agency, created under a reorganization of various government programs, when he was 38.

In a memo welcoming EPA employees on Dec. 4, 1970, the day he was sworn in as the first administrator, Ruckelshaus said, "I ask two things of you who become a part of EPA. First, keep moving ahead with the valuable work which is already underway. We cannot afford even a slight pause in the on-going efforts to preserve and improve our environment."

The memo, which is on display at the EPA history exhibit in the Ronald Reagan Building in Washington, continued, "Second, give us your ideas, your hard work and your support in building a new and effective organization."

Ruckelshaus certainly had a full plate. Inspired by a then still young environmental movement, the agency consolidated federal environmental research, monitoring and enforcement in one place. Ruckelshaus began implementing major environmental statutes and stood up EPA's infrastructure, set standards for automobile emissions and banned the pesticide DDT.

Chuck Elkins, who served as an aide to Ruckelshaus at EPA, remembers President Nixon remarking to the then-administrator, "What are those crazies at EPA got you doing now, Bill?"

"What he didn't realize about Bill was he was one of those crazies. He wanted to do so much for the environment," said Elkins, now executive director of the EPA Alumni Association. "He really built the agency into a powerhouse."

Phil Angell, another former aide to Ruckelshaus, said, "The way he conducted himself reflected his belief that restoring and maintaining trust in government was absolutely essential if we were to meet the daunting challenges, whatever they might be, of the future."

Ruckelshaus left EPA in 1973 to serve as acting director of the FBI. Later that year, he became deputy attorney general at the Justice Department.

In that position, he would enter Watergate lore. Along with then-Attorney General Elliot Richardson, Ruckelshaus refused Nixon's order to fire the special prosecutor investigating the White House scandal and left the Justice Department.

Ruckelshaus told E&E News resisting Nixon was "a fairly simple decision" ([Greenwire](#), Oct. 3).

"You can't do it. That's not the way this country works. That's not a democracy. You don't decide which laws you're going to enforce and which ones you're not," Ruckelshaus said. "And if he specifically asked you to do something he's not supposed to do, then you don't do it."

Round 2 at EPA

Out of government, Ruckelshaus went into private law and later moved with his family to Seattle to join timber giant Weyerhaeuser Co. as a senior vice president.

EPA, however, suffered from corruption and scandal during the Reagan administration. The agency demoralized, then-Administrator Anne Gorsuch Burford resigned in 1983.

Ten years after he first left the agency, Ruckelshaus was called upon again to lead EPA — this time, to help it recover. He had to overcome family worries, with his wife "less than enchanted with the idea of returning to Washington."

"She referred to going back to EPA as a 'self-inflicted Heimlich maneuver.' My mother even chastised me for making a mistake like that," Ruckelshaus said in an [EPA oral history interview](#) in 1993.

Ruckelshaus had a Midwestern blunt manner of speaking, and jokes like those won him fans.

"His self-deprecating sense of humor served him well. He could certainly make fun of himself," said Jim Barnes, who served as Ruckelshaus' chief of staff during his first stint as EPA administrator and then as the agency's general counsel when Ruckelshaus returned.

Lee Thomas, another member of Ruckelshaus' leadership team at EPA for his second turn at the agency, called him "a real leader" who believed in discussion and debate.

"I remember he told me he liked big meetings of staff to discuss the rationale for decisions. He not only wanted their input, he wanted them to understand his decisions," said Thomas, who later succeeded Ruckelshaus as EPA administrator in 1985.

Thomas added Ruckelshaus "was always prepared to stand by his convictions" and knew he ultimately "had to make many difficult decisions under the laws that governed the agency."

Ruckelshaus helped establish the norms on which the agency operated. After replacing Gorsuch Burford, he authored his famous ["fishbowl" memo](#) that said EPA would operate as if "in a fishbowl," adding, "We will attempt to communicate with everyone from the environmentalists to those we regulate and we will do so as openly as possible."

The memo shed more light on EPA officials' calendars as well as the agency's litigation and rulemaking. It is a tradition that has been repeated by administrators since then.

Stan Meiburg, who served 39 years at EPA, including as acting deputy administrator, remembered Ruckelshaus' return to the agency. A podium had been set up in a space outside a grocery store in the old Waterside Mall, which was where EPA headquarters was located then. When Ruckelshaus arrived, he was mobbed.

"It was a happening, and the enthusiasm was overwhelming," Meiburg said.

Ruckelshaus' service at EPA, especially his second stint as administrator, endeared him to agency employees.

One longtime EPA employee said it was "remarkable" that Ruckelshaus agreed to return to the agency when it had lost its direction, adding, "I cannot think of too many people that would do that."

"I have worked for many administrators and political appointees from both parties, some good and some recent ones that were terrible, but Bill was a truly great leader," said the employee. "I know he loved EPA, and we loved him too."

Others had similar sentiments. Hugh Kaufman, the legendary whistleblower at the agency, said, "Like most folks, I loved that guy." He added, "Bill was our heart and soul, back in the day."

Reilly said Ruckelshaus' return to EPA "was a marvelous public service. It was not the first or the last he performed for the country."

Post-EPA involvement in environmental issues

Ruckelshaus' resignation letter when he left the agency in 1985 said, "The ship called E.P.A. is righted and is now steering a steady course."

He returned to private law and then became CEO of Browning-Ferris Industries in 1988, a position he held until 1995.

His integrity didn't waver at the waste management company. BFI cooperated with an investigation by Manhattan District Attorney Robert Morgenthau that helped end mafia control of New York City's trash business.

In the decades after Ruckelshaus left EPA, he remained active in environmental policy and a vocal defender of the agency. Respected for his service, he received the Presidential Medal of Freedom in 2015.

Ruckelshaus testified before Congress on climate change and backed a legal brief in support of the Obama-era Clean Power Plan, which was designed to curb power plants' carbon emissions and has since been replaced by the Trump administration.

Ruckelshaus also was a fierce critic of President Trump and EPA under his administration's watch. He was one of seven former administrators who signed a letter saying the agency was "ripe for oversight."

"They don't really believe in the mission; they believe there's too much regulation. Well, that's too simplistic," Ruckelshaus said about the Trump EPA in an interview with E&E News (Greenwire, Dec. 4, 2018).

He remained intimately involved with EPA, and agency officials often sought his advice.

In a statement, Gina McCarthy, who served as EPA administrator during President Obama's second term, said Ruckelshaus was her "friend and mentor" and will be remembered as the agency's "founding father."

"He showed that even in the worst of times, people with conviction can stand up, speak up and — in time — restore people's faith in government," McCarthy said.

Others agreed that Ruckelshaus was an example to follow.

"Thank you for showing us all the way, Bill," Lisa Jackson, Obama's first EPA administrator, said in a tweet.

Andrew Wheeler, the current EPA administrator, also praised Ruckelshaus in a statement, saying he was "the father of the EPA."

Thomas remembered discussing the EPA administrator job with President Reagan. Asked by the president how he would lead the agency, Thomas pointed to Ruckelshaus.

"I responded that I planned to manage it just like Bill Ruckelshaus, and he said, 'That's just what I want.' The announcement of my nomination went out the next day," Thomas said.

Meiburg, now a sustainable studies professor at Wake Forest University, remembers last seeing Ruckelshaus in 2016 in a meeting to discuss the Puget Sound. The former EPA administrator was a defender of the sound, a cause dear to him as a Washington state resident.

"What I remember is the universal respect in which he was held, and his steady, reasoned voice about the need for collaboration," Meiburg said.

Ruckelshaus had several government posts — and his defiance of Nixon guaranteed his place in history — but he said he enjoyed his time at EPA. In an interview with E&E News only a few months ago, he said being EPA administrator was a fascinating job.

"It was a very difficult job because of the need to implement all those statutes that had been passing. It was also very exciting, and I enjoyed it very much," Ruckelshaus said.

"It was [in] my view kind of a perfect government job because you had to take a very complicated piece of legislation passed by the Congress and implement it," he said. "And that's, to me, that's the peak of government. That's where you really learn how to manage things and how to keep the ship afloat."

Reporter Timothy Cama contributed.

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